

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LARRY LYON,

Petitioner,

v.

Case No. 24-cv-0395-bhl

UNITED STATES OF AMERICA,

Respondent.

ORDER DISMISSING MOTION UNDER 28 U.S.C. § 2255

On April 12, 2024, the Court screened the petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence in *United States v. Larry Lyon*, Case No. 21-cr-0149-bhl (E.D. Wis.). (ECF No. 1.) The Court determined that petitioner's motion is untimely and provided an opportunity for him to explain why his claims are not barred by Section 2255's one-year statute of limitations. (ECF No. 3 at 6.) The Court gave Lyon 30 days from the date of the order to show cause why his application for relief under Section 2255 was not time-barred. (*Id.*) The Court further ordered that "[i]f Lyon fails to respond within 30 days, his petition will be dismissed with prejudice." (*Id.*) Lyon's deadline expired on May 12, 2024, and the Court has received no further correspondence from the petitioner.

Accordingly,

IT IS THEREFORE ORDERED that the petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence in *United States v. Larry Lyon*, Case No. 21-cr-0149-bhl (E.D. Wis.) is **DISMISSED with PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability **SHALL NOT ISSUE**. The Court does not find that reasonable jurists could debate that the petitioner has made a substantial showing of the denial of a constitutional right and that the petition should have been resolved in a different manner. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Clerk of Court is directed to enter judgment accordingly.

The petitioner is advised that the judgment entered by the Clerk is final. A dissatisfied party may appeal this Court's decision to the Court of Appeals for the Seventh Circuit by filing in

this court a notice of appeal within 60 days of the entry of judgment. *See* Fed. R. App. P. 3, 4. In the event the petitioner decides to appeal, he should ask the Court of Appeals to issue a certificate of appealability.

Dated at Milwaukee, Wisconsin on May 29, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge